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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,275	12/22/2005	Gerardus Rudolph Langereis	NL030733	6570
24737 7590 10/30/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER CHOW, LIXI	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,275	<b>Applicant(s)</b> LANGEREIS ET AL.	
	<b>Examiner</b> Lixi Chow	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 10 is objected to because of the following informalities: the word "neighbouring" in claim 10 should be --neighboring--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Minemura et al. (US 2002/00854463; hereafter Minemura).

Regarding claim 1:

Minemura discloses a method of determining an optimum set of write parameters for a laser device for writing to an optical storage medium, the method comprising:

defining a test region of the optical storage medium (see Fig. 15; steps 1 and 2);

using a laser device having an operating set of write parameters, writing a predetermined data pattern to the test region (see Fig. 15, step 4);

measuring jitter values for the predetermined data pattern (see Fig. 15, step 5); and

selecting an optimum operating set of write parameters of the laser device for writing data to the optical storage medium in dependence upon the measured jitter values, the optimum set of write parameters minimizing the jitter value for the optical storage medium (see Fig. 15,

step 6), characterized in that the step of writing a predetermined data pattern to the test region comprises the steps of:

writing a reference data pattern using a reference set of write parameters of the laser device to the test region (see Fig. 15; the first trial writing on first sector correspond to the writing of a reference data pattern); and

writing a measurement data pattern using a measurement set of write parameters of the laser device to the test region (the subsequent trail writings on every other sector correspond to the writing of a measurement data pattern).

Regarding claim 2:

Minemura discloses a method as claimed in claim 1, wherein each set of write parameters includes a power level of the laser device (see Fig. 15; with each writing operation, the write parameters includes a power level of the laser device).

Regarding claim 3:

Minemura discloses a method as claimed in claim 2, wherein the power level of the laser device varies over the writing of the measurement data pattern (see Fig. 15, step 4; the power level of the laser device varies by rate of 3%).

Regarding claim 4:

Minemura discloses a method as claimed in claim 3, wherein the power level of the laser device rises from a minimum level to a maximum level over the writing of the measurement data pattern (see par. [0018]; there suggests that the power level is gradually increasing from low level to high level).

Regarding claim 5:

Minemura discloses a method as claimed in claim 4, wherein the power level of the laser device rises in discrete steps over the writing of the measurement data pattern (see Fig. 15, step 4).

Regarding claim 6:

Minemura discloses a method as claimed in any one of claims 2 to 5, wherein the power level of the laser device over the writing of the reference data pattern is fixed (see Fig. 15, the power level of the first trial writing on first sector is set to a standard power setting which is fixed).

Regarding claim 7:

Minemura discloses a method as claimed in claim 1 or 2, wherein the measured jitter values relate to an average of jitter values of the measurement and reference data patterns (see Fig. 15, step 5).

Regarding claim 8:

Minemura discloses a method as claimed in claim 1 or 2, wherein the optical medium is a disc (see Fig. 14), and wherein the reference and measurement data patterns form an alternating pattern on a single track of the disc (see Fig. 15).

Regarding claim 9:

Minemura discloses a method as claimed in claim 1 or 2, wherein the optical medium is a disc, and wherein the reference and measurement data patterns are written on consecutive tracks of the disc (see Fig. 15; the sectors where the trial writes are performed on can be either single track or consecutive tracks).

Regarding claim 10:

Minemura discloses a method as claimed in claim 1 or 2, wherein the optical medium is a disc, and wherein the reference and measurement data patterns are written on neighboring tracks of the disc (see Fig. 15; the sectors where the trial writes are performed on is within the neighboring tracks).

Regarding claim 11:

Minemura discloses an apparatus for determining an optimum power level for a laser device for writing to an optical storage medium (1) having a test region defined thereon, the apparatus comprising:

an optical writing device (see, Fig. 14, element 131) operable to write a predetermined data pattern (see Fig. 15, step 4) to a test region of an optical medium (see Fig. 14, element 8) using an operating set of write parameters;

a measurement device (see Fig. 14, element 191) operable to measure jitter values for a predetermined data pattern on an optical medium; and

a power controller (see Fig. 14, element 171) operable to select an optimum operating set of write parameters of the laser device for writing data to the optical storage medium in dependence upon measured jitter values, the optimum set of write parameters minimizing the jitter value for the optical storage medium (see par. [0061]), characterized in that the optical writing is operable to:

write a reference data pattern using a reference set of write parameters to the test region (see Fig. 15; the first trial writing on first sector correspond to the writing of a reference data pattern); and

write a measurement data pattern using a measurement set of write parameters to the test region (the subsequent trail writings on every other sector correspond to the writing of a measurement data pattern).

Regarding claims 12-20:

Claims 12-20 recite similar limitations as claims 2-10; hence, claims 12-20 are rejected under the same reason set forth in claims 2-10.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee (US 2005/0041549) is cited, because Lee discloses a method of determining an optimum writing power by performing test writing where the power level varies in the test writing process.

Takeda (US 2003/0053386) is cited, because Takeda teaches an optical disk device capable of varying the power level during a test write and the optical disk device includes a measuring means to measure the jitter value of the test data for determining the optimum recording power.

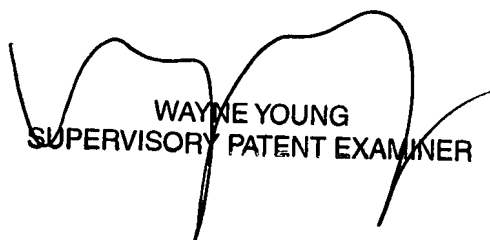
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lixi Chow whose telephone number is 571-272-7571. The examiner can normally be reached on Mon-Fri, 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LC 10/25/07

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER